

No. 9/6/86-6Lab./4196.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the Workman and the management of M/s (i) General Manager, Haryana Roadways Yamuna Nagar, (ii) State Transport Commissioner Haryana, Chandigarh.

IN THE COURT OF SHRI V.P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA.

Ref. No. 192 of 1985

SHRI RANDHIR SINGH, WORKMAN AND THE MANAGEMENT OF THE MESSRS GENERAL MANAGER, ROADWAYS, YAMUNA NAGAR (II) STATE TRANSPORT COMMISSIONER, HARYANA, CHANDIGARH.

Present:—Shri Madhu Sudan for workman.
Shri S. N. Gaur for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—*vide* clause(c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 referred dispute between Shri Randhir Singh workman and the Messrs G.M. Haryana Roadways, Yamuna Nagar etc., to this Court. The terms of the reference are as under.

“Whether termination of services of Shri Randhir Singh, workman, is justified and correct, if not, to what relief is he entitled ?”

Workman alleged that he had been serving the respondent-management since 1st May, 1983 as a Carpenter during this period his work and conduct remained satisfactory. On 1st February, 1985 his services were terminated in utter violation of section 25(F) of Industrial Disputes Act, 1947. After his termination many junior persons to him namely Suresh, Yashpal, Sukhdev Singh Balvinder, Dharam Paul Indra have been retained in service. He has prayed for his reinstatement with continuity in service and with full back wages.

Respondant-management contested the dispute and contended that in fact workman himself quit the job on 1st February, 1985. He started absenting himself and never reported for duty. It was also contended that workman was daily rated worker so question of termination does not arise.

Workman filed replication controverted the allegations of the respondent-management.

On the pleadings of the parties the following issues have been framed:—

Issue:

1. Whether termination order dated 6th February, 1983 is justified and correct, if not its effect ? OPM
2. Relief.

I have heard Shri Madhu Sudan for workman and Shri S.N. Gaur for respondent management I have perused the oral and documentary evidence placed on the file. My issuewise findings are as under.

Issue No. 1

In support of this issue Shri Rittu Raj appeared as MW-1 he stated that workman Randhir Singh was appointed only up to 28th February, 1985. Photo Stat Copy of the same is Ex.M-1 and thereafter fresh letters of appointment were issued to him for specific period. Photostat copy of this appointment letters are Ex. M-2 to M-6. He further stated that workman absented himself in February, 1985 and thereafter he never reported on duty. In cross-examination he stated that one Sukhdev Junior to workman Randhir Singh is still on the rolls of respondent-management.

Shri Randhir Singh appeared in witness box as AW-1 he stated his case saying that the job of Carpenter is of a permanent nature. He joined service of respondent-management on 1st May, 1983 and thereafter on 1st February, 1985 he was not allowed to join duty by the respondent-management many junior persons namely : Sukhdev, Baldev, Dharam Paul and Indra are still in the service of respondent-management. He further submitted that before terminating his service no notice no pay in lieu of notice period and no retrenchment compensation was paid to him by the management.

In view of the above evidence and documents on the file. I am of the opinion that according to appointment letters Ex-M-1 to M-5. Shri Randhir Singh was kept on job up to 31st May, 1985 and thereafter no fresh letter of appointment for keeping the workman in job was issued. In fact the plea taken by the workman appears to

be correct that after 1st February, 1985 he was never allowed to report on duty. This fact is clear from the demand notice dated 6th February, 1985. As soon as the respondent management denied the job to the workman. Thereafter, he served the demand notice under section 2 (A) of Industrial Disputes Act, 1947 upon the respondent-management. Had workman would have been allowed to join duty then there was no question of serving notice dated 6th February, 1985 upon the management. Respondent has not come with clean hands in disclosing the true facts. As per assertions made by the workman he joined service of respondent management on 1st May, 1983 but the management has not given exact date of joining service of respondent by the workman which shows that the management has hidden the true facts from the court.

Since the workman has been in the service of respondent management since 1st May, 1983, so it was incumbent upon the management to have complied with the provisions of section 25(F) before terminating the service of workman Randhir Singh. Although he is a daily rated workman.

In H.D. Singh vs Reserve Bank of India the Hon'ble Supreme Court of India has taken a view that Shri H.D. Singh was a daily rated workman during the course of his employment he passed Matriculation examination on that very score he was removed from service because he was working as a Tikka Mazdoor and qualification for this post was under Matric. Shri H.D. Singh served demand notice upon the management of Reserve Bank of India, the Conciliation Officer failed to bring both the parties at any settlement thereafter. The matter was referred to Industrial Tribunal, who dismissed the claim of the H. D. Singh and thereafter, Shri H.D. Singh went in Civil appeal to Hon'ble Supreme Court of India where the Hon'ble Judges awarded him relief of reinstatement with continuity in service as well as with costs.

Similarly in the case in hand the management is silent about the length of service of the workman Randhir Singh. The management did not issued any letter regarding the absence of Shri Randhir Singh nor any show cause notice was served upon him nor any order of termination was passed for terminating service of Randhir Singh which shows that the respondent management arbitrarily denied job to workman Randhir Singh, so this attitude and order of respondent management is violative of section 25(F) of Industrial Disputes Act, 1947, so the respondent management is ordered to reinstate workman Randhir Singh with continuity in service and with full back wages.

Issue No. 2 :

On the basis of my findings on issue No. 1, I pass award regarding the dispute in hand accordingly.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Dated the 9th April, 1986.

Endt. No. 1117, dated 9th April, 1986

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

The 15th July, 1986

No. 9/8/86-6Lab./5111.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Nibro Ltd., Gurgaon.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

Reference No. 168 of 85

between

SHRI RAJ KUMAR, WORKMAN, C/O SHRI SHARDHA NAND; GENERAL, SECRETARY, AITUC
OFFICE, 214-4, GURGAON

and

THE MANAGEMENT OF M/S NIBRO LTD., GURGAON

Present :

Shri S. K. Goswami, for the workman.

Shri M. P. Gupta, for the respondent-management.

AWARD

This industrial dispute between the workman Shri Raj Kumar and the respondent-management of M/s Nibro Ltd., Gurgaon has been referred to this court by the Hon'ble Governor of Haryana, —vide his order No. ID/FD/Gurgoan/1—85/10481—86, dated 15th March, 1985, under Section 10(i) (c) of the Industrial Disputes Act, 1947 for adjudication. The terms of the reference are :—

Whether the termination of service of Shri Raj Kumar, was justified and in order ? If not, to what relief is he entitled ?

According to the demand notice and claim statement, the workman was appointed from 4th January, 1980. His services were terminated illegally on 11th November, 1984 after a domestic enquiry. He was served with a false chargesheet which was duly replied. The workman was not allowed to be represented by Shri Shardha Nand, General Secretary, AITUC and Shri Darshan Singh, President, Haryana AITUC. The workman had been terminated because he was member of the Nibro Employees Association (AITUC). Whatever prayed by the workman it was not recorded by the Enquiry Officer. The workman was also not given the opportunity to adduce his evidence. He was threatened to give resignation letter.

In the written statement, the management has contended that if the enquiry is held not be fair and proper then the management be given chances to lead evidence. On facts, the management has contended that the workman was chargesheeted. Reply of the workman of the chargesheet was not satisfactory. Hence Shri V.K. Wadhera was appointed an enquiry officer. The findings of the enquiry officer were considered. The charges were proved. The workman was given show cause notice. His reply was considered. Hence the claimant was dismissed on 11th November, 1984. His request to be assisted by Shri Shardha Nand was rightly dismissed. According to the certified standing orders, he could be assisted by a workman of his choice. His request to be represented by Shri Dharam Shingh at late stage was rightly rejected. Copy of day to day proceedings were given to the workman. It is further contended that the workman is not entitled to any relief.

The parties contested the reference on the following issues :—

1. Whether the enquiry is fair and proper ?
2. As per reference ?

I have heard the representatives of both the parties and have gone through the evidence on record. My findings on the issues are as follows :—

Issue No. 1 :— The contention of the representative of the workman is that about 38/40 adjournments were given in enquiry which shows that the workman has been victimised. This arguments of the authorised representative of the workman has no force. He has not been able to point out how the workman has been victimised.

The next contention of the representative of the workman is that in every case the chargesheet has been framed on the basis of complaint filed by Shri Abdul Salim, Supervisor. This shows that false chargesheet has been given. This contention of the representative of workman has no force because it was not come in evidence in how many cases Shri Abdul Salim filed the complaints.

The next contention of the representative of the workman is that the workman was not allowed to be represented by Shri Darshan Singh and Shri Shardha Nand. The management has contended that both of them were not workers of the company. The workman could be represented only by a worker. They have relied upon Clause 25.4(a) of the Standing orders of the company. According to this rule the workman will be assisted by other workman of his choice. Neither Shri Darshan Singh nor Shri Shardha Nand were the workers of the factory. The workman did not take help of any of the workers of the factory. In this case the management was represented by production Engineer. He was not a legally trained person. No prejudice was caused if he was not allowed to be represented by Shri Darshan Singh and Shri Shardha Nand. No other point has been urged or argued before me by the representative of the workman to show that the enquiry was not fair and proper. The workman has been appearing during the enquiry in all the enquiry proceedings. The enquiry proceedings have been admitted to be signed by him. The enquiry report is Ex M-3. All these facts show that the enquiry was fair and proper. Hence this issue is decided against the workman.

Issue No. 2 :— The chargesheet is Ex. M-2. It is, dated 14th May, 1984. According to this chargesheet Ex. M-2 on 13th May, 1984 at about 4.25 P.M. the workman came on the table of Shri Abdul Salim, Supervisor and asked him why had he reported against him. He also called him thief, Decoit and LUCHA and that he had managed the strike. All these things were said in such a manner that the worker will start beating the supervisor. Shri Som Nath Pandey, Jagan Nath, Daya Nand etc. took away the worker. On the basis of this chargesheet, the enquiry proceedings were conducted. It is contended that

if these charges were proved, the misconduct was not gravious as to Warrant the extreme penalty of dismissal. The management had relied upon Clause No. 17 and 19 of the Standing order to show that these are major mis-conducts. It is held by the Hon'ble Supreme Court of India; between Rama Kant Mishra and State of Uttar Pradesh and others; 1983-S.C. cases (L&N) page 26 that where a workman uses abusive and threatening language towards another workman and the workman had 14 years of un-blamished service, held punishment of termination dis-proportionately excessive. It was held that the dismissal would be unjustified. The punishment was substituted by with-holding two increments.

In the present case, the punishment of dismissal on the basis of the chargesheet Ex. M-3 is not legal and justified. There is no evidence of previous misconduct of the workman. I, therefore, find that his dismissal is unjustified and illegal. He is entitled to be reinstated with continuity of service and with full back wages. With-holding of two increments of the workman will be proper in this case.

The award is given accordingly.

Dated : 20th May, 1986.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

Endstt. No. 1448, Dated 31st May, 1986.

Forwarded (four copies) to the Commissioner & Secretary to Government, Haryana, Labour & Employment Department, Chandigarh, as required under Section 15 of the I.D. Act.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

The 2nd July, 1986

No. 9/8/86-6Lab/4915.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s (i) State Transport controller, Haryana, Chandigarh (ii) General Manager, Haryana Roadways, Rewari (Gurgaon).

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 393 of 1985

between

SHRI NAND KISHORE, S/O SHRI LALA RAM, HELPER, VILLAGE AND POST
OFFICE KHORI, DISTRICT, MAHENDERGARH.

AND

THE MANAGEMENT OF M/S STATE TRANSPORT CONTROLLER, HARYANA,
CHANDIGRRH (ii) GENERAL MANAGER, HARYANA ROADWAYS,
REWARI (GURGAON).

Present :—

Shri M. P. Gupta for the workman.

Shri Randhir Singh for the management.

AWARD

This industrial dispute between the workman Shri Nand Kishore and the respondent-management of M/s. State Transport Controller, Haryana, Chandigarh, (ii) General Manager, Haryana Roadways, Rewari has been referred to this Court by the Hon'ble Governor of Haryana,—*vide* his order No.ID/GGN/23-85/38945-51, dated 11th July, 1985, under section 10(i)(c) of the Industrial Disputes Act, 1947, for adjudication. The terms of the reference are :—

Whether the termination of services of Shri Nand Kishore, was justified and in order ? If not, to what relief is he entitled ?

According to the demand notice and claim statement, the workman was appointed as helper on 5th March, 1975 and his services were illegally terminated on 5th June, 1984. He was promoted as Asstt. Electrician on 1st August, 1978. It is stated that he had acquired the status of permanent workman. He was not given retrenchment compensation at the time of termination of his services. Hence his termination is illegal and un-lawfully and to victimise him. He has Prayed for reinstatement with continuity of service and with full back wages.

The management has contested this claim of the workman. They have denied the averments of the workman. It is contended that the workman remained willfully absent from duty on 2nd May, 1984 and 13th May, 1984 to 15th May, 1984. Hence on the report of Works Manager his services were terminated by the General Manager on 5th June, 1984.

The claim was contested on the following issues :—

1. AS PER REFERENCE ?

I have heard the representatives of both the parties and have gone through the evidence on record. My findings on the issue are as under :—

Issue No. 1 :—

WW-1-Shri Hari Kishan, Clerk of the Haryana Roadways has admitted that the workman was appointed on 5th March, 1975. He has also admitted that the service certificate Ex. W-1 was issued by the Haryana Roadways. According to this certificate Ex. W-1, the workman was in the service of the respondent-management from 5th March, 1975 to 31st July, 1978. He has further stated that since 1975, the services of the workman are continuous. The workman has also supported his contentions as WW-2. From this evidence, it is clear that the services of the workman were continuous from 5th March, 1975 to 5th June, 1984. His services were terminated because he remained absent for four days from 2nd May, 1984 and from 13th May, 1984 to 15th May, 1984. No. chargesheet was issued to the workman for this minor mistake and no domestic enquiry was held. Hence the termination of the workman was not in pursuance of disciplinary action. This termination amounts to retrenchment as denied in section 2(00) of the Industrial Disputes Act, 1947. No retrenchment compensation as provided under the mandatory provisions of Section 25-F was paid to the workman at the time of terminating the service of the workman. Even according to the letter to the Government, dated 19th February, 1979, copy of which is Ex. W. 2, workman who has completed 240 days of service become regular employee. Hence the order of termination dated 5th June, 1984 terminating the services of the workman is illegal and unjustified. He is entitled to be reinstated with continuity of service and with full back wages. He is also entitled to Rs. 200 as costs of the proceedings.

Dated, the 15th May, 1986.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

Endst. No. 1313, dated the 24th May, 1986.

Forwarded (four copies), to the Commissioner & Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

No. 9/8/86-6Lab./4920.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Perfection Turno Engineers, 14/4 Mathura Road, Faridabad.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 718 of 1985

between

SHRI GOLI RAM, WORKMAN C/O 2/7, GOPI COLONY, FARIDABAD, AND THE
MANAGEMENT OF M/S PERFECTION TURNO ENGINEERS, 14/4, MATHURA
ROAD, FARIDABAD.

Present :—

Workman in person.

None for the respondent-management.

AWARD

This industrial dispute between the workman Shri Goli Ram and the respondent-management of M/s Perfection Turno Engineers, Faridabad, has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No ID/FD/ 76-85/44910-15, dated 5th November, 1985, under section 10 (i) (c) of the Industrial Disputes Act, 1947 for adjudication. The terms of the reference are :—

Whether the termination of services of Shri Goli Ram, was justified and in order ? If not, to what relief is he entitled ?

According to the demand notice, the workman was appointed on 1st July, 1980 as Milling Man. The management closed the factory on 3rd July, 1984 but re-started it on 8th September, 1984. He was not taken back on duty. Only those workers have taken back, who have collected their full and final. The claimant had not taken his full and final. So he was not taken on duty.

The management did not appear after service through registered cover and UPC. Hence the management was proceeded *ex-parte*,—vide my order dated 11th April, 1986.

In *ex-parte* evidence, the workman has appeared as WW-1 and has supported his averments in the demand notice. It is further stated that the workman had formed a union to press their demands. The workman were asked to disband the union, otherwise the workman will be terminated. Hence the factory was closed to terminate the services of the workman. In view of the statement I find that the closure of the factory was un-fair Labour Practice to terminate the services of the workman. No closure benefits was paid to him. It is, therefore, amount illegal termination. The termination is, therefore, illegal and unjustified. He is entitled reinstatement with continuity of service and with full back wages.

R. N. SINGAL,

Dated, the 21st May, 1986.

Presiding Officer,
Labour Court, Faridabad.

Endst. No. 1319, dated the 24th May, 1986.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

No. 9/8/86-6Lab./4921.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Perfection Turno Engineers, 14/4, Mathura Road, Faridabad.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER,
LABOUR COURT, FARIDABAD

Reference No. 717 of 1985

between

SHRI LAL BAHADUR, C/O 2/7, GOPI COLONY, OLD FARIDABAD, WORKMAN AND THE
MANAGEMENT OF M/S PERFACTION TURNO ENGINEERS, 14/4, MATHURA ROAD,
FARIDABAD.

Present—

Workman in person.

None for the respondent-management.

AWARD

This industrial dispute between the workman Shri Lal Bahadur and the respondent-management of M/s. Perfaction Turno Engineers, Faridabad has been referred to this Court by the Hon'ble Governor of Haryana —vide his order No. 1D/FD/76-85/44903—8, dated 6th November, 1985, under section 10 (i)(c) of the Industrial Disputes Act, 1947, for adjudication. The terms of the reference are:—

Whether the termination of services of Shri Lal Bahadur, was justified and in order ? not, to what relief is he entitled ?

According to the demand notice, the workman was appointed on 1st July, 1981 as helper. The management closed the factory on 3rd July, 1984 but restarted it on 8th September, 1984. He was not taken back on duty. Only those workers have taken back, who have collected their full and final. The Claimant had not taken his full and final so he was not taken on duty.

The management did not appear after service through registered cover and UPC. Hence the management was proceeded *ex parte*, —vide my order dated 11th April, 1986.

In *ex parte* evidence, the workman has appeared as WW-1 and has supported his averments in the demand notice. It is further stated that the workman had formed a union to press their demands. The workers were asked to disband the union, otherwise the workman will be terminated. Hence the factory was closed to terminate the services of the workman. In view of the statement, I find that the closure of the factory was unfair labour practice to terminate the services of the workman. No closure benefit was paid to him. This, therefore, amounts to illegal termination. Hence the termination is illegal and unjustified. He is entitled to reinstatement with continuity of service and with full back wages.

R. N. SINGAL,

Dated, the 21st May, 1986.

Presiding Officer,
Labour Court, Faridabad,

Endst. No. 1320, Dated the 24th May, 1986.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947:

R.N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

No. 9/8/86-6Lab. /4922.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Perfaction Turno Engineers, 14/4, Mathura Road, Faridabad:—

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT
FARIDABAD

Reference No. 714 of 1985

between

SHRI RAJINDER SINGH, C/O 2/7 GOPI COLONY, FARIDABAD, AND THE MANAGEMENT
OF M/S. PERFACTION TURNO ENGINEERS, 14/4, MATHURA ROAD, FARIDABAD.

Present—

Workman in person.

None for the respondent-management.

AWARD

This Industrial Dispute between the workman Shri Rajinder Singh and the respondent management of M/s Perfection Turno Engineers, 14/4, Mathura Road, Faridabad, has been referred to this Court by the Hon'ble Governor of Haryana.—*vide* his order No. 1D/FD/76/85/44882-87, dated the 6th November, 1985 under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication. The terms of the reference are:—

Whether the termination of services of Shri Rajinder Singh was justified and in order? If not, to what relief is he entitled?

According to the demand notice, the workman was appointed on 15.1981 as helper. The management closed the factory on 3rd July, 1984 but restarted it on 8th September, 1984. He was not taken back on duty. Only these workers have taken back, who have collected their full and final. The claimant had not taken his full and final. So he was not taken on duty.

The management did not appear after service, through registered cover and UPC. Hence the management was proceeded *ex parte*;—*vide* my order dated 11th April, 1986.

In *ex parte* evidence, the workman has appeared as WW-1 and has supported his averments in the demand notice. It is further stated that the workman has formed a union to press their demands. The workmen were asked to disband the union, otherwise the workmen will be terminated. Hence the factory was closed to terminate the service of the workman. In view of the statement, I find that the closure of the factory was unfair labour practice to terminate the services of the workman. No closure benefits was paid to him. It, therefore, amounts to illegal termination. Hence the termination is, therefore, illegal and unjustified. He is entitled to reinstatement with continuity of service and with full back wages.

Dated the 21st May, 1986.

R. N. SINGAL,

Presiding Officer;
Labour Court,
Faridabad.

Endst. No. 1321, dated the 24th May, 1986.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,

Presiding Officer,
Labour Court,
Faridabad.

No. 9/8/86-Lab/4923.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Perfection Turno Engineers 14/4, Mathura Road, Faridabad :—

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 713 of 1985

between

SHRI NAND KISHORE WORKMAN C/O-2/7 COPI COLONY, FARIDABAD AND THE MANAGEMENT OF M/S PERFECTION TURNO ENGINEERS, 14/4 MATHURA ROAD, FARIDABAD.

Present :—

workman in person

None for the respondent-management.

AWARD

This industrial dispute between the workman Shri Nand Kishore and the respondent-management of M/s perfection Turno Engineers 14/4, Mathura Road, Faridabad, has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/76-85/44875—80, dated 6th November, 1985 under section 10(i) (c) of the Industrial Disputes Act, 1947 for adjudication. The terms of the reference are :—

Whether the termination of services of Shri Nand Kishore was justified and in order ? If not, to what relief is he entitled ?

According to the demand notice, the workman was appointed on 1st May, 1982 as Machinist. The management closed the factory on 3rd July, 1984 but restarted it on 8th September, 1984. He was not taken back on duty. Only those workers have taken back, who have collected their full and final. The Claimant had not taken his full and final. So he was not taken on duty.

The management did not appear after service, through registered post and UPC. Hence the management was proceeded *ex parte*,—vide my order dated 11th April, 1986.

In *ex parte* evidence, the workman has appeared as WW-1 and has supported his averment in the demand notice. It is further stated that the workman has formed a union to press their demands. The workman were asked to disband the union, otherwise the workmen will be terminated. Hence the factory was closed to terminate the services of the workman. In view of the statement, I find that the closure of the factory was an fair Labour practice to terminate the services of the workman. No closure benefits was paid to him. It therefore, amounts to illegal termination. The termination is therefore, illegal and unjustified. He is entitled to reinstatement, with continuity of service and with full back wages.

Dated, the 21st May, 1986.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

Endst. No. 1323, dated the 24th May, 1986.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

No. 9/8/86-6Lab./4925.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Jaico Steel Fastners Pvt. Ltd., 269/24, Faridabad :—

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 542 of 1985

between

SHRI RAM ADHAR, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S JAICO
STEEL FASTNERS PVT. LTD., 269/24, FARIDABAD

Present :

Shri Ashok Kapil, for the workman.

Shri H. R. Dua, for the respondent-management.

AWARD

This industrial dispute between the workman Shri Ravinder Nath and the respondent-management of M/s Jaico Steel Fastners Pvt. Ltd., 269/24, Faridabad, has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/135-85/37182—87, dated 10th September, 1985 under Section 10(i) (c) of the Industrial Disputes Act, 1947 for adjudication. The terms of the reference are :—

Whether the termination of services of Shri Ram Adhar was justified and in order ? If not, to what relief is he entitled ?

According to the representative of the workman, he has settled his dispute with the management. The receipt of full and final payment is Ex. M-1. He has no right of reinstatement/ re-employment with the management.

In view of the above settlement, the award is given that the dispute has been fully settled.

Dated the 20th May, 1986.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

Endorsement No. 1325, dated the 24th May, 1986.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

No. 9/9/86-6 Lab./5228.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management M/s. S. G. Steel Pvt. Ltd., Plot No. 6, Sector 4, Industrial-cum-Housing Estate, Ballabgarh (Faridabad):—

BEFORE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 109 of 1984

between

SHRI RAVINDER RAM, WORKMAN S. G. STEEL EMPLOYEES UNION AFFILIATED WITH
HIND MAZDOOR SABHA 29, SHAHID, CHOWK, FARIDABAD AND THE MANAGEMENT
OF M/S. S. G. STEEL PVT. LTD., PLOT NO. 6, SECTOR 4, INDUSTRIAL-CUM-HOUSING
ESTATE BALLABGARH (FARIDABAD)

Present:—

Shri Manohar Lal, for the workman

Shri Rajinder Dhawan and Shri A. K. Sharma, for the management.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between Shri Ravinder Ram, workman and the management of M/s S. G. Steel Pvt. Ltd. Plot No. 6, Sector 4, Industrial-cum-Housing Estate Ballabgarh (Faridabad), to this Tribunal for adjudication:—

Whether the termination of service of Shri Ravinder Ram was justified and in order? If not to what relief is he entitled?

2. Notices were issued to both the parties. Shri Rajinder Dhawan, representative of the Management Shri A. K. Sharma, Manager of the respondent stated that the dispute between the parties had already been settled,—vide settlement Ex. M-1 and that the claimant had already received Rs. 4800 in full and final settlement of his claim,—vide receipt Ex. M-2 and that the claimant had relinquished his rights of reinstatement etc. and that no dispute was now left between the parties. Shri Manohar Lal representative of the workman stated that he had heard the above statement made by the representatives of the Management which was correct and that the dispute had already been settled between the parties,—vide documents Ex. M-1 and M-2 as mentioned above. In view of the testimony of Shri Rajinder Dhawan, Representative of the Management and Shri A.K. Sharma Manager of the respondent and Shri Manohar Lal, representative of the workman and recitals made in the documents Ex. M-1 and M-2, the dispute between the parties has already been settled as mentioned in documents Ex. M-1 and M-2. The award is passed accordingly.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated the 7th June, 1986.

Endst. No. 406, dated 7th June, 1986.

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

R.N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9/9/86-6Lab/5229.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal Faridabad in respect of the dispute between the workman and the management of M/s S. G. steel Pvt., Ltd.; Plot No. 6, Sector 4, Industrial cum-Housing Estate, Ballabgarh Faridabad :—

BEFORE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 95/1984

between

SHRI MOHID AHMAD WORKMAN C/O S. G. STEEL EMPLOYEES UNION, HIND MAZDOOR SABHA, FARIDABAD AND THE MANAGEMENT OF M/S. S. G. STEEL PVT. LTD., PLOT NO. 6, SECTOR-4 INDUSTRIAL CUM HOUSING ESTATE, BALLABGARH (FARIDABAD).

Present.—

Shri Manohar Lal for the workman.

Shri A. K. Sharma for the management.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of section-10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between Shri Mohid Ahmad workman and the Management of M/s S. G. Steel Ltd., Plot No. 6, Sector-4, Industrial cum-housing Estate, Ballabgarh (Faridabad) to this Tribunal for adjudication:—

Whether the termination of services of Shri Mohid Ahmad, was justified and in order ? If not, to what relief is he entitled ?

2. Notices were issued to both the parties. Shri A. K. Sharma, Manager of the respondent Company stated that the dispute between the parties had already been settled,—vide settlement Ex. M-1 and that the claimant had already received Rs. 5,000,—vide receipt Ex. M-2 in full and final settlement of his claim and had relinquished his rights of reinstatement etc., and that no dispute was now left between the parties. Shri Manohar Lal, representative of the workman, stated that he had heard the above statement made by the representative of the Management, which was correct. In view of the testimony of Shri Ashok Kumar, Manager of the respondent company and Shri Manohar Lal representative of the workman and recitals made in the document, Ex. M-1 and M-2, the dispute between the parties stands settled, as mentioned above. The award is passed accordingly.

Dated the 7th June, 1986.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 407, dated the 7th June, 1986

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.